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**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

**UNITED STATES OF AMERICA and  
DONNA DILORETO, Revenue Officer,** )  
 ) Case No.: 3:08-cv-00108-JL

### Petitioners,

V.

ELLIS RAY MOSELEY.

## **Respondent.**

) Case No.: 3:08-cv-00108-JL

**MOTION TO CHANGE TIME**

Pursuant to Civil L.R. 6-3, petitioners request an extension until July 9, 2008, of the Order to Show Cause hearing currently scheduled for June 4, 2008. As noted in petitioners' earlier motion, petitioners request this change in time because respondent, Ellis Ray Moseley, has been in the process of complying with the IRS summons at issue in this case.

This continuance request is based in part on the attached declaration of Thomas M. Newman. As noted in the attached declaration, the government believes that respondent is making continual efforts to comply with the summons, which requests information spanning several years. Respondent has also stated, and the IRS Revenue has confirmed, that respondent's accountant is assisting in these compliance efforts.

1 JOSEPH P. RUSSONIELLO  
2 United States Attorney

3 /s/ Thomas M. Newman  
4 THOMAS M. NEWMAN  
5 Assistant United States Attorney  
6 Tax Division

7 **CERTIFICATE OF SERVICE**

8 The undersigned further certifies that I caused a copy of the Motion to Change Time,  
9 Proposed Order, and attached declaration by First Class Mail on the following:

10 Ellis Ray Moseley  
11 1122 Ruby Street  
12 Redwood City, CA 94061

13 Executed on **May 29, 2008** at San Francisco, California.

14 /s/ Thomas M. Newman  
15 THOMAS M. NEWMAN  
16 ASSISTANT UNITED STATES ATTORNEY